48.   (Twice Amended) A computer-readable recording medium storing a program for causing a client computer constituting a system in which an image server and a plurality of client computers are capable of communicating with one another to edit an image, and controlling said client computer so as to:

receive data representing allowance of [edition] <u>initial editing</u> of an image <u>and/or subsequent re-editing of said initially edited image, the image being transmitted</u> from the client computer; and

control the image editing device so as to execute [edition] <u>initial editing and/or subsequent re-editing</u> of [an] <u>the</u> image in response to reception of the allowance data.

REMARKS

Claims 1-10, 12-20, 22-36, 38-43 and 45-50 are in the present application, claim 11 having been canceled without prejudice or disclaimer as to the subject matter contained therein.

Summary of the Examiner Interview

Initially, Applicants' representative wishes to thank Examiner Poon for his time in the telephonic interview of October 6, 2000, the content of which is summarized below.

Prior to the Interview, Applicants' representative faxed Examiner Poon a Proposed Amendment somewhat similar to this present response.

In turn, each of the claim groupings A-H were discussed in turn. Accordingly, the discussions pertaining to these groupings are summarized briefly below, as the remarks are repeated in more detail in response to each claim rejection.

A. Claims 11, 25, 29 and 33.

Regarding these claims, Applicants' representative submitted that the modem 324 in Hunt et al. was not the retrieval means in the claims. The examiner responded that, as broadly construed, this modem was a retrieval means, and suggested that one possible amendment could be for Applicants to further define how the image data is retrieved.

B. Claims 1, 5 and 9.

Regarding these claims, the Examiner suggested that Applicants may try to incorporate a purpose or advantage served in the claims, which would not be obvious by the device in Hunt et al. Such a claim amendment could include the specificity of information transmitted by the separate transmission devices (Applicants' representative notes that this is already in the claims) for the advantage that the burden on the image server is reduced by reducing the amount of image data that the server is required to process. Applicants' representative indicated that he would consider such an Amendment in a following response, after conferring with the client.

C. Claims 13, 17 and 18.

After discussing the amendments to these claims, the Examiner indicated that this would require a further search. However, instead of filing an After Final response (which would likely warrant an Advisory), and to expedite prosecution, it was suggested that Applicants might file a CPA with Preliminary Amendment. In return, the Examiner would enter the Amendment and not make a first Office Action Final. Applicants' representative indicated that he would consider such a Preliminary Amendment in a following response, after conferring with the client.

D. Claims 23, 28 and 32.

In response to Applicants' representative arguments of the three distinctly claimed steps performed by the compression rate setting device of the present application, the Examiner appeared to be receptive to these distinctions. He indicated that he would review the reference again and re-consider his position in light of Applicants remarks to these claims.

E. Claims 19, 27 and 31.

Regarding Tsutamori et al., it was pointed out that the Examiner has either ignored or refused to give weight to each of three separate claimed limitations: image data quantity reduction device, print image area designation means and partial image data extraction means. Tsutamori's CPU 101 has neither a processing function for designating a print image area, nor a function for extracting partial image data.

In response to Applicants' representative arguments regarding the deficiencies in Tsutamori et al., the Examiner appeared to be receptive to these distinctions. He indicated that he would review the reference again and re-consider his position in light of Applicants remarks to these claims.

F. Claims 10 and 12.

Regarding these claims, Applicants' representative explained that the passage <u>cited by the Examiner</u> in Hunt et al., says nothing about performing color conversion processing whatsoever, specifically <u>color conversion processing based on a characteristic of the display</u>. More particularly, neither reference cited by the Examiner teaches at the very least the claimed <u>second color conversion device</u> for performing second color conversion processing on the read image data <u>in accordance with a characteristic of the display device</u>. The Examiner at this point indicated that he needed to further review the reference in more detail, and was not ready to make a statement regarding this distinction at the Interview. However, it was understood that he <u>would clarify his position in his next Office Action.</u>

G. Claims 26, 30 and 34.

Regarding these claims, these claims were amended to further define exactly what part of the printing template image data is received. They now recite that the printing template image data <u>represents a part of a window-synthesizing user image</u>. In response, the Examiner

indicated that such an added limitation would require a further search, and explained that this was another reason for filing a CPA with Preliminary Amendment in an effort to expedite prosecution.

H. Claims 35, 41, 42 and 48.

Applicants' representative pointed out that the Examiner alleges that Kurahashi teaches of both the claimed judgment device for judging whether editing/re-editing is allowed based on a transmitted execution command; and an allowance data transmission device for transmitting when the judgment device determines that the editing/re-editing is allowed. Kurahashi does not judge whether editing or re-editing is allowed based on a transmitted execution command, as is claimed.

In response, the Examiner explained that he was unsure of the distinction between "editing" and "re-editing", since either could be construed as editing. He asked for further clarification.

Claim Rejections

In response to Applicants' Amendment, the Examiner has maintained his rejections of claims 11, 25 and 29, and also rejected claim 33 under 35 USC §102(e) as being anticipated by Hunt et al. Similarly, claims 1, 5, 9, 13, 16-18, 23, 24, 28 and 32 remain rejected under 35 USC §103(a) as being unpatentable over Hunt et al, claims 2, 6 and 14 unpatentable in view of Hunt et al. and Takaoka; claims 3, 7, 19, 20, 22, 27 and 31 unpatentable in view of Hunt et al. and Tsutamori et

al.; claims 4 and 8 unpatentable over Hunt et al. and Uda et al., claims 10 and 12 unpatentable over Uda et al. in view of Hunt et al., claim 15 unpatentable over Hunt et al. in view of Kurahashi et al., claims 26, 30 and 34 unpatentable over Uda et al. in view of Kurahashi et al., claims 35, 36, 38-43, 45-48 and 50 unpatentable over Kurahashi et al., and claim 49 unpatentable over Uda et al. in view of Hunt et al. as applied to claim 10, and further in view of Hirono et al. Each of these rejections are respectfully traversed below.

NOTE: The responses to these rejections have been grouped (A through G) in terms of similar independent claims. It follows that those claims dependent thereon are allowable at least for reasons pertaining to their corresponding independent claim.

A. Claims 11, 25, 29 and 33.

Regarding claim 11, this claim has been canceled without prejudice or disclaimer as to the subject matter contained therein, accordingly the rejection is now moot. However, it appears the Examiner has not considered each of the claim limitations in claims 25, 29 and 33. The Examiner alleges that the claimed image output device and image information transmission device in the image server, as well as the retrieval means in the client computer, are taught by modem 324 in Fig. 3 of Hunt et al. This is not possible, since a <u>modem</u> is merely an <u>interface</u> which enables a remote system to connect to a network. Accordingly, Applicants submit at the very least that the claimed <u>retrieval</u>

22

means or retrieving function performed in said client computer, is not taught or suggested by the modem of Hunt et al.

Notwithstanding the above, these claims have been amended to further clarify that the image output device and image information transmission device in the image server, as well as the retrieval means in the client computer (or the transmitting, outputting and receiving steps) are performed by separate and distinct devices. Modem 324 cannot therefore be each of these three claimed devices.

B. Claims 1, 5 and 9.

With respect to claim 1, the Examiner admits that Hunt et al. does not teach two separate transmission devices. However, he alleges that it would have been obvious to include separate transmission devices to speed up transmission. While this may be true, the separate transmission devices are transmitting specific data (the first-an image data transmit command, the second-display information related to the display device). This is significant in that having these two separable device reduces the burden on the image server by reducing the amount or quantity of image data that the server has to process, on the basis of the display information transmitted from the client computer, an advantage which is now claimed in light of the interview.

These features for there desired purpose are not taught in Hunt et al., since all that is described in Hunt et al. is that graphical image and/or control data is transmitted between client and server. The

aforementioned server display information is not transmitted; i.e., information <u>about image quality</u> is not information about <u>the display itself</u>.

Further, and additionally with respect to claims 5 and 9, the reduced image data that is being transmitted by the data reduction device (or received by the receiving device in claim 9) is <u>dependent on information transmitted from both transmission devices</u>. As claimed in the present application. This too is not taught in Hunt et al. Therefore, withdrawal of the rejection is earnestly solicited by Applicants.

C. Claims 13, 17 and 18.

The Examiner alleges that Hunt et al. teach of an image serve comprising an image data display transmission device (link 106 and server machine 304 of Fig. 3) for transmitting image data for displaying a plurality of sample images having different characteristics (size, see col. 8, line 46 to col. 9, line 5).

Applicants see two possible fallacies with this position:

(1) the Examiner is alleging that there is an image server consisting of an image server and a link—this makes no sense; and

(2) the passage relied upon by the Examiner refers to segmenting a modified image file into segments which have increasing degrees of quality and which are additive (i.e., several segments can be combined and displayed based on the desired quality). This is completely different from Fig. 11 of the present application, which illustrates a plurality of sample images of a single subject image which

are displayed in side-by-side fashion on the display for comparison and selection by the user.

Notwithstanding the above, Applicants have amended claims 13, 17 and 18 to further define the display feature of sample images. The amended subject matter of these claims, at the least, is not taught or suggested by Hunt et al. Withdrawal of the rejection is requested.

D. Claims 23, 28 and 32.

The Examiner asserts that Hunt et al.'s microprocessor 310 is actually a compression rate setting device which:

(1) sets a compression rate,
(2) calculates a transmission time for the set compression rate, and
(3) displays the calculated time for transmission (see col. 12, lines 44-60, col. 13, lines 4-30).

However, this passage in Hunt et al. refers to general compression schemes (transmission performance data such as modem speeds and measured transmission speeds). There is no specific teaching of microprocessor 310 performing (1) – (3) above, as there is no disclosure related to setting a compression rate, calculating a transmission time, and displaying the calculated time. Further, this displayed time provides valued information to the user so that he/she can change the compression rate (increase/decrease) as necessary.

Fig. 6, alleged by the Examiner to show a display displaying a calculated time for transmission, illustrates a modified image file 600 divided into segments, but says nothing about the actual positively

recited steps of setting, calculating and displaying as set forth above..
Thus, Applicants respectfully submit that the Examiner's position appears to be misplaced, and is kindly rejected to withdraw the rejection, or at the least to further clarify his position in light of the above remarks.

E. Claims 19, 27 and 31.

The Examiner admits that Hunt et al. fail to teach that the image data quantity reduction device is located in the client; that the reduced image data is transmitted from client to server; the claimed print image area designation means and the claimed partial image data extraction means. Yet the Examiner contends that Tsutamori et al. make up for these deficiencies.

The Examiner alleges that in Tsutamori et al., the image data quantity reduction device is CPU 101 of Fig. 1A, but in reading the specification any data reducing functions are performed in work station 300 (see abstract). Further, the Examiner states that the same CPU 101 also functions as the claimed print area designation means and partial image data extraction means, referring to the abstract. Applicants respectfully do not follow the Examiner's logic, and further do not find support, in Tsutamori et al., that CPU 101 functions as <u>each of the</u> <u>claimed means</u>. As an example, CPU 101 is located in the server (input controller 100) but not in the workstation 300 (client computer).

Accordingly, Applicants ask for clarification and the <u>indication of</u> <u>explicit support for these claimed elements</u> in the disclosure of Tsutamori

et al. Particularly, it appears that the Examiner has either ignored or refused to give weight to each of these separate claimed limitations: image data quantity reduction device, print image area designation means and partial image data extraction means. Tsutamori's CPU 101 has neither a processing function for designating a print image area, nor a function for extracting partial image data.

F. Claims 10 and 12.

The Examiner alleges that Uda et al. server/multiple scanner-printer system teach each of the claimed limitations with the exception of a second color conversion device which process the read image data in accordance with a characteristic of the display device. However, he alleges that Hunt et al. teach such a device, citing Figs. 1 and 3 and col. 9, line 1-5 of Hunt et al.

Applicants submit that this passage in Hunt et al., says nothing about performing color conversion processing whatsoever, specifically color conversion processing based on a characteristic of the display. More particularly, neither reference teaches at the very least the claimed second color conversion device for performing second color conversion processing on the read image data in accordance with a characteristic of the display device. Therefore, unless the Examiner can provide further specificity regarding each of the claimed limitations, and the requisite express teaching in the references of each, Applicants submit that these claims are allowable.

G. Claims 26, 30 and 34.

Regarding these claims, these claims have been amended to further define exactly what part of the printing template image data is received. They now recite that the printing template image data represents a part of a window-synthesizing user image. As this further defined printing image data is not taught by the combination, withdrawal of the rejection is requested.

H. Claims 35, 41, 42 and 48.

Reviewing the Examiner's rejection, it appears that the Examiner may have overly broadened the applicability of Kurahashi to these claims. In particular, the Examiner cites col. 6, line 45 to col. 7, line 5 and col. 8, lines 1-10 to allege that Kurahashi teaches of both a judgment device for judging whether editing/re-editing is allowed based on a transmitted execution command; and an allowance data transmission device for transmitting when the judgment device determines that the editing/re-editing is allowed.

In response to the Interview, these claims have been amended for clarification purposes as requested. Firstly, there appears nothing suggestive in Kurahashi whatsoever that is directed to re-editing of the initially edited image. Secondly, Kurahashi may arguable analyze editing data (col. 7, line 3), but does not judge whether initial editing or subsequent re-editing is allowed based on a transmitted execution command, as is claimed. The Examiner's position is misplaced and

unsupportable by the disclosure in Kurahashi. Accordingly, unless the Examiner can explicitly point out where the claimed re-editing processing is taught or suggested, the rejection fails.

Regarding each of the pending dependent claims, these claims are allowable at least for the reasons set forth above regarding their corresponding independent claim, and/or for the further limitation claimed therein.

Conclusion

Accordingly, in view of the above amendments and remarks, an early indication of allowance is requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig (Reg. No. 45,274) at the telephone number of the undersigned below in order to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. § 1.17 and 1.136(a), Applicants hereby petition for an extension of one (1) month to October 16, 2000 for the period in which to file a Response to the outstanding Office Action.
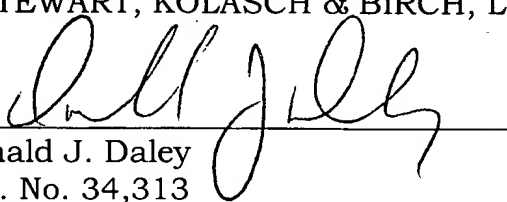
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

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